

quinn emanuel trial lawyers | miami

2601 S. Bayshore Drive, Suite 1550, Miami, Florida 33133-5417 | TEL (305) 402-4880 FAX (305) 901-2975

WRITER'S EMAIL ADDRESS
kirstennelson@quinnemanuel.com

March 16, 2025

VIA ECF

Hon. Alvin K. Hellerstein
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: United States v. Charlie Javice and Olivier Amar, 23 Cr. 251 (AKH)

Dear Judge Hellerstein:

Charlie Javice anticipates the government will call [REDACTED] to testify exclusively about post-acquisition conduct. The Court previously ruled that information post-dating JP Morgan Chase's acquisition of Frank has "no relevance to the defense perspective. It doesn't counter anything. If it is relevant at all it is relevant for the government, not relevant to the defense." 03/05/2025 Trial Tr. 1284:10-14. The Court has prevented defense counsel from cross-examining government witnesses about post-acquisition conduct, including topics discussed during direct examination. *See, e.g.*, ECF No. 317 (detailing the same). It has also denied the defense's request to recall a government witness to defend against charged conduct related to the post-acquisition period. 03/11/2025 Trial Tr. 1751:23-1752:14 (denying ECF No. 317 deeming the questioning irrelevant).

Since the Court has prevented the defense from developing evidence about post-acquisition conduct—even when relevant to materiality and intent—the same Rule 403 analysis applies to the government. *See* ECF No. 317 (detailing the prejudicial impact of stunting Ms. Javice's ability to defend against charged conduct during the post-acquisition period). [REDACTED] testimony is irrelevant and unduly prejudicial and should be excluded. Fed. R. Evid. 401, 403.

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Respectfully submitted,

/s/ Kirsten R. Nelson

Kirsten R. Nelson* (*pro hac vice*)
2601 South Bayshore Drive, Suite 1550
Miami, FL 33133
Telephone: (305) 402-4880
kirstennelson@quinnemanuel.com

* Not admitted in Florida. A member in good standing
in Maryland and the District of Columbia.

cc: All Counsel of Record